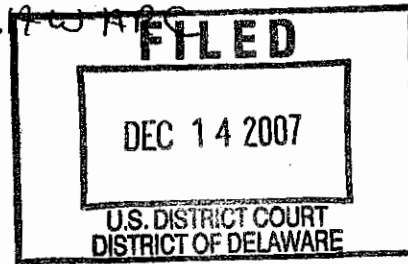


IN THE U.S. DISTRICT COURT

(SLR)

DISTRICT of Delaware

DENNIS A. ELLIOTTAppellant, PRO-Se'

V.

FAMILY COURT OF THE
STATE OF DELAWARE

CASE # 1:07-CV-744(SLR)

DENNIS A. ELLIOTT

2-222 120-206

V.O.P. Central

P.O. BOX 5003

SMYRNA, DELAWARE 19977-5003

DATED: 12-09-07

Honorable Judge Sue L. ROBINSON.

Appellant hereby presents documentation Exhibits A, B, and C. To show evidence that his Family Court Sentence is unconstitutional, as outlined in United States v Dougherty 10th Cir, 106 F.3d 1514, 1515 (1997). ("See EXHIBIT B."

1. Exhibit C - Commitment Order dated November 14th, 2007 which was appellants Court hearing date in the Family Court of Delaware at C-1 shows a date of Commitment of 11/14/07

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yet as Exhibit B shows at [A] a start date of November 02, 20007. Which was appellants arrest date on fam Ct. Capias return for arrears.

(A) Appellants states this shows this sentence is "internally contradictory" as outlined under 'Dougherty'.

2. As Exhibit A. shows at #4 length-being sentence shows - 1 —, M 0, 0 0, and that this sentence runs 'INDeFInITE' at #1. At Exhibit C fails to specify any type of time frame of sentence:

(A) Appellants states this fails to meet the requirement of Dougherty, omits a term required to be imposed by statute, and is uncertain as to the substance of the sentence. That this is in violation of his 14th Amend right of due Process, and Equal Protection.

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This sentence fails to meet the 7th Amendment's requirement of "No person shall be held to answer . . . , . . . or otherwise infamous crime . . . , nor be deprived of life, liberty or property, without due process of law; . . . , without just compensation."

3. Appellant states that nowhere in the language of Del. 13 § Chapter 6 of Uniform Interstate Family Support Act does the Delaware General Assembly authorize the "Family Court of Delaware to hold in custody for collection of arrears owed to another state." ^{Emphasis added.} In sentence a person(s) to any form of commitment at level 5 or otherwise.

(A) § 13 § 624 of Un. Inter. State Fam. Support Act, Duties and powers of responding tribunal. at B pg. 70 / thus 12, only at (12) "Grant any other available remedy."

3 (2) Appellant states that if the Delaware General Assembly intended to use level 5 custody or level IV for a tool to collect arrears for another state, they would have written into the ~~language~~ ^{language} of 13 § 624 ~~specifying~~ ^{specifying} that intent. ^{*1A} Without that specified language, the Family Court of Delaware, in holding the Appellant illegally, in direct violations of his Constitution 5th and 14th amendments and has failed to show under his 6th Amend. Right, "In all criminal prosecutions, the accused shall enjoy the right . . . , . . . , by an impartial jury of the ~~State~~ 'State' and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, . . . , and to have the assistance of counsel for his defence. " ^{*1A} judgement of conviction did not authorize

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3 (2) Appellant further states that under 13§ 629 - Duties of Division of Child Support Enforcement.

AT(4). Obtain information, by such means as postal verification and federal or state locator services,, and examination of governmental records, and social security.

4 Appellant claims that by the Family Courts (use of 13§ 629 AT(4)) at the federal level, and being provided government access to his governmental records, that this Honorable Court of the U.S. District Court has overlaying jurisdiction over the interstate agreement between Delaware and New Jersey. By use of federal service, that Family Court is under federal law, bound ^{ing and} governing the powers of enforcement: from and/or between states; within Constitutional boundaries.

5 Appellant claims to this Court, that his sentence (exhibit(A) at #3) is in violation of his Eightth Amendment.

1. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted!" 8th U.S.C.A

(2) By appellants under Condition Comments of Exhibit A, at #3 indicates he has a purged payment of \$1000.00. Fine, But his commitment Order (see Exhibit C2) states, "Respondent my purge Him/Herself of this Commitment and be released upon paying \$ 1,000.00 on this account.

Nowhere within our Eight Amendment Right is there reference to a purge in lieu of bail for release. this nothing short of a ransom for freedom.

6 Appellant states to this Court that under his sentence he is being held as a debtor, and is being held in nothing short of a debtors prison! Regardless of

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how the State Court address this issue.

That debtor prisons have been not in use since "The British Empire used them on the colonist." until "July 04, 1776." Where-
both our Great Constitution outlawed the use of ~~such~~ acts of tyranny against the people of this Country.

7. Appellant states this sentence is in defiance of his Equal Protection of the 14th Amendment. And violates his 14th 5th and 8th Amendments!

Per say an indigent person that has ~~not~~ means to pay a purge would be left to sit in ~~custody~~ indefinitely,

Compare to a person (B) per say that would have access to such resource.
~~would not.~~

All people regardless of wealth, race ect, are ~~per~~ protected by the Equal Protection clause. 14th Amend. Page 3 of 8

Appellant Humby ask this Court,
to review the facts and merits
of his support for this Writ of Habeas
Corpus. And request this ^{Court's} ~~Court's~~
opinion on the accusations brought
forth on, the Constitution issues, such
a sentence ~~arises~~ ^{has} brought forth.

Further Appellant ask this Honorable
Court to his being ProSe' at this
point. That his "documentation doesn't
have to be drafted as that of lawyers"
U.S. Supreme Court, I don't have that cite,
as since being transferred to this facility
I have no immediate access to a law
library as Appellant did at HRYCI. Perhaps
this was why he was transfer!

Very Respectfully Submitted
Dated 12-09-07 PRO Se' Dennis A. Elliott
Page 8 of 8 120-306 Appellant:

(SLR)

Offender Status Sheet

Date: 11/15/2007

SBI #: 00120206 Name: DENNIS A ELLIOTT Sex: M
 Location(s): HRYCI, RSTN Level(s): 1R,4 Race: WHITE DOB: 12/18/1954 Sex Offender: []
 AKA: DENNIS PICALL; DENNIS A ELLIOTT
 Offender Type: Sentenced, Sentenced Probationer Officer(s): Rstn (Do56) Rest, Restitution Virt(63)

Level: 4											
Start Date: 11/14/2007		MED:		STRD:		ADJ:		PED:		Statutory Days Earned:	
CASE#/ Court/ Type	CRA#/ Judge	Charge Desc/ Sen. Type/ Sentence Date	Status/ Eff. Date	Length			Start Dt	MED	STRD	Adj Date	CR Wk
				Y	M	D					
0709025188	0709025188	SUPPORT ARREARS	Current		0	0	11/14/2007				
U1	Martha F Sackovich	Indefinite	11/14/2007								

Special Conditions:				Condition Description		Condition Comments	
CRA#	Level	Code					
0709025188	4	CRT1	Other Conditions:			COMMITTED TO LEVEL 4 FULL TIME WORK RELEASE TO BE HELD AT LEVEL 5. SENTENCE MAY BE PURGED OR COMMITMENT UPON PAYING \$1000.00 FINE. DHB	

#1 #4 #2 #3

As indicated at #1 sentence is without
 end. at #3 has no term as #4
 shows appellant is serving not a
 single day of time, But is being
 held in custody.

1:07 CV 744

EXHIBIT B

Offender Status Sheet

Date: 11/09/2007

SBI #: 00120206 Name: DENNIS A ELLIOTT Sex: M
 Location(s): HRYC, RSTN Level(s): 1R,0 Race: WHITE DOB: 12/18/1954 Sex Offender: []
 AKA: DENNIS PICALL; DENNIS A ELLIOTT
 Offender Type: Detentioner, Sentenced Probationer Officer(s): Rstn (Do56) Rest, Restitution Virt(63)

A. Detentioner Charge(s)							
Start Date	CASE#	CRA#	Description	Active	Court	Judge	Bail Amount
11/02/2007	DACS00004	0709025188	FAM.CRT CAPIAS	Y	U1	Unknown Unknown	\$1,000.00
cash							

As Exhibit A clearly shows, Per sentencing at #3: A sentence is also illegal if it "is ambiguous with respect to the time and manner in which it is to be served, is internally contradictory, omits a term required to be imposed by statute, is uncertain as to the substance of the sentence, or is a sentence which the judgment of conviction did not authorize." United States v Dougherty 10th Cir, 106 F.3d 1514, 1515 (1997)

As Exhibit B shows his start date as 11/02/07, AT (A.) but at Exhibit C¹ shows his Date of Commitment as 11/14/07, this is contradictory internally. Omits a term, is uncertain as to the substance.

THE FAMILY COURT OF THE STATE OF DELAWARE

IN AND FOR THE COUNTY OF NEW CASTLE

Fed.
C

COMMITMENT ORDER - CHILD SUPPORT

PETITIONER		RESPONDENT		FILE NUMBER
DEBORAH ELLIOTT/DCSE		DENNIS ELLIOTT		A-8200
ADDRESS		ADDRESS		PETITION NUMBER(S)
		113 LINDBURG AVE		07-10224
		V. WILM DE 19804		NATURE OF CHARGE
		HOWARD YOUNG CORRECTIONAL WILM DE 19801		SUPPORT ARREA
ATTORNEY		ATTORNEY	SBI # 00 120266	DCSE NUMBER
DAG BERNADETTE PLAZA		Timothy Terranova, Esq.	GENDER	156175
SOCIAL SECURITY #	DOB	SOCIAL SECURITY #	DOB	
-	1 1	-	12, 18, 154	

TO : DEPARTMENT OF CORRECTION

RESPONDENT IS HEREBY COMMITTED TO THE CUSTODY OF THE DEPARTMENT OF CORRECTION AT :

☒ LEVEL IV FULL-TIME, WORK RELEASE, TO BE HELD AT ☒ LEVEL V ☐ LEVEL III* UNTIL SPACE IS AVAILABLE.

RESPONDENT MAY BE TRANSFERRED TO LEVEL IV WEEKEND STATUS AT THE DISCRETION OF THE
DEPARTMENT OF CORRECTION AFTER MEETING THE REQUIREMENT OF 60 DAYS CONTINUOUS EMPLOYMENT.

☐ WEEKEND CONFINEMENT ☐ LEVEL IV PLUMMER CENTER ☐ LEVEL V GANDER HILL FROM 6:00^{PM} FRIDAY UNTIL 6:00^{PM} SUNDAY.

* FOR LEVEL III, RESPONDENT IS TO REPORT TO PLUMMER CENTER FOR INTAKE WITHIN 72 HOURS.

INTENTIONAL FAILURE TO COMPLY WITH THE COURT ORDER OR CONDITIONS SET BY THE DEPARTMENT OF CORRECTIONS
MAY RESULT IN PLACEMENT IN LEVEL V CUSTODY PENDING FURTHER ACTION.

DATE OF COMMITMENT	11/14/07
COMMITMENT TO COMMENCE	11/14/07
REVIEW DATE	2/14/08 at 1:00 PM
REASON FOR COMMITMENT	SUPPORT ARREARS

☐ OTHER

Arrears owed to another
State. (New Jersey) original
state date of order (1980)

RESPONDENT MAY PURGE HIM/HERSELF OF THIS COMMITMENT AND BE RELEASED UPON PAYING \$ 1000.00 ON
THIS ACCOUNT. PAYMENTS MUST BE MADE TO DCSE, PO Box 904, NEW CASTLE, DE 19720, AND THEN DOCUMENTED TO
THE COURT.

November 14th, 2007

DATE

Martha F. Sackovich
COMMISSIONER MARTHA F SACKOVICH

FAX TO: HOWARD YOUNG & Plummer Center

CC: ☒ FILE ☒ PARTIES ☒ DCSE OPER. ☒ DCSE ATTORNEY ☒ PLUMMER CENTER ☒ GANDER HILL ☐ DCC ☐ BWCI ☐

I/M Dennis A. Elliott

SBI# 120206 UNIT 2 #222

CENTRAL VIOLATION CENTER

P.O. BOX 5003

SMYRNA, DELAWARE 19977-5003



Office of the Clerk
United States District Ct.
894 N. King Street
Wilmington Del. ~~19801-3570~~
19801-3570

19801-3513 0012 